



US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Public Notice Number: 200350469

Date: October 17, 2003

Comments Due: November 17, 2003

In reply, please refer to the Public Notice Number

TO WHOM IT MAY CONCERN:

SUBJECT: Application for a Department of the Army permit under authority of Section 404 of the Clean Water Act to discharge dredged and fill material in unnamed dry washes for development of the Summerlin West Villages 21 and 22, 23B, and 24-30 and the Summerlin South Villages 16 and 17, as shown in the attached drawings.

APPLICANT: The Howard Hughes Corporation/Howard
Hughes Properties Incorporated
Attn: Mr. Larry Brocato, Executive Vice President
10000 West Charleston Boulevard, Suite 200
Las Vegas, Nevada 89135
(702) 791-4300

APPLICANT'S AGENT: G. C. Wallace, Incorporated
Attn: Mr. Calvin Black, P.E.
1555 South Rainbow Boulevard
Las Vegas, Nevada 89146
(702) 804-2000

LOCATION: The Summerlin West project is located in Sections 14-17, 20-23, 26-29 and 32-34, Township 20 South, Range 59 East and Sections 3 and 4, Township 21 South, Range 59 East. The Summerlin South Villages 16 and 17 are located within Sections 23-25 and 36, Township 21 South, Range 59 East. The Summerlin West project area is north of Charleston Boulevard and west of I-215 and the Summerlin South project area is west of South Hualapai Way between West Sunset Road and West Flamingo Road, Clark County, Nevada.

PURPOSE: The discharges of dredged and fill material will facilitate drainage alterations and improvements to meet local standards and allow construction of upscale residential housing, roads and utilities infrastructure, storm drainage facilities, golf courses, parks, schools, and commercial development over a time frame of 10-15 years. Some dry washes would be graded, diverted, captured and directed into existing storm drain detention structures. Some, mainly larger washes would be avoided except for road and utility line crossings.

PROJECT DESCRIPTION: Approximately 25.3 acres of waters of the United States (ephemeral streams) would be filled with native, on-site soil materials from grading activities. Area measurement is the product of length of affected washes by the width of ordinary high water marks (OHWM). Jurisdictional wetlands will not be filled or lost as a result of development. See attached table for a

breakdown of the number of acres of waters of the United States (WOUS) per village. About 25 road/utility crossings of larger washes are included in this total of 25.3 acres. Approximately 21,000 cubic yards of on-site soils would be discharged into these washes over the life of the entire project predominately from site grading and infrastructure installation with heavy machinery. Soil free from debris and contaminants would be used if additional material is needed to level and compact areas of development. Imported fill material would consist of reinforced concrete box culverts and rock riprap for erosion protection. Backfill for utility lines will be native materials from on-site excavation.

Summerlin West covers an area of approximately 6,800 acres and Summerlin South is approximately 1,175 acres. The Summerlin West and South developments are currently divided into villages ranging from less than 400 acres to over 800 acres in size. Villages would be developed separately based on market demand and growth rates.

In September of 2003, the Corps of Engineers issued Letter of Permission number 200250462 to this applicant for the development of Village 23A in Summerlin West. The Sacramento District advised the applicant that the next permit application would have to disclose all expected discharges of dredged and fill material in WOUS for the remaining parcels proposed for development.

The applicant will construct the infrastructure improvements in each village. The parcels within each village would then be sold to private developers to construct residential or commercial projects. The number and boundaries of the villages and location of the road/utility crossings may change as development progresses over the next 10-15 years and thus the estimated acres of fill in WOUS per village could change. However, the applicant states that the grand total of acres (25.3) would not change.

The applicant has typically developed the entire infrastructure for each village, including landscaping along major roadways. The applicant also develops the desired paseos, parks, trails and open spaces. Paseos sometimes are incorporated in an existing wash or ravine however, its location and use in an existing wash is dependent on the amount of flood runoff that is projected to occur during a 100-year flood hence, the applicant's proposal to keep the 5 washes in Summerlin West.

The applicant expects that development of Village 23B will be after Village 23A, followed by Village 24. Village 21 will develop some activity as it is the major commercial development area in Summerlin West. The applicant anticipates that Villages 25, 28 and 22 could each start simultaneously within a year or two from each other. The development timing will depend on market demand. Villages 23B, 25, 22 and 27 are likely to be the most of the standard residential development in the valley at this time, where single family densities range from 5 to 8.5 development unit per acre. Villages 24, 26, 28, 29 and 30 will have reduced overall densities. Villages 29 and 30 will be the last development areas, unless there becomes a clear market opportunity to act sooner.

According to the applicant, the design of a drainage system for the project must demonstrate that developments downstream would not be impacted by the design. The design must also adhere to the outflow restrictions set by downstream developers and be compatible with existing or proposed Clark County Regional Flood Control District (CCRFCD) master planned facilities. The villages in Summerlin West are not in a Zone A floodplain or Special Flood Hazard Area as designated by the U.S. Federal Emergency Management Agency. Portions of Villages 16 and 17 in Summerlin South are within a 100-year flood zone. The authorized F-1 and F-2 flood control channels are under construction across a portion of Summerlin South.

ALTERNATIVES: The no action (permit denial) alternative is available. According to the applicant, other practicable locations or design alternatives that do not impact WOUS and meet the residential and commercial development purposes are not available. The need to protect downstream developments and be compatible with existing and proposed CCRFCD facilities limited the consideration of design alternatives such as open, unlined channels to carry storm flows. In light of the 10-15 years of build-out and if a permit is issued for this project, special conditioning would provide for formal periodic Corps

review of accomplished authorized impacts and mitigation before the next village or series of villages may proceed with construction and mitigation.

MITIGATION: The applicant is proposing phased mitigation for impacts to WOUS due to the long time frame for the development of the proposed project and the previously permitted Village 23 A project (2.1 acres). Combining the two gives a total of 27.4 acres. The applicant is proposing to use the Clark County in-lieu fee wetlands mitigation program at a ratio of 0.25:1. The applicant would pay for one acre of wetlands for every four acres of jurisdictional waters filled for this permit application. The ratio is based upon the quality and function of the jurisdictional areas compared to the quality and function of wetlands expected from the in-lieu fee program. The affected jurisdictional areas essentially function as stormwater runoff channels. The washes are shallow channels, with gravelly and/or sandy beds and without adjacent wetlands, that carry water only during infrequent rainfall events. Vegetation in and adjacent to the washes consists primarily of upland species. The applicant maintains this habitat is poor quality habitat compared to the expected high quality habitat resulting from the in-lieu fee program (most likely in the Clark County Wetlands Park on Las Vegas Wash).

The mitigation fee would be paid on a village-by-village basis prior to development. The applicant is requesting permission to pay the fees in their entirety at any time after issuance of a permit or to pay the fees for more than one village at the time prior to development. Based on the proposed ratio, the total acres of mitigation credit would be 6.85. At the current \$14,120 per 0.1-acre fee basis, the applicant expects to pay \$967,220 over the life of the project as in-lieu fee.

AREA DESCRIPTION: The project area is typical of the lower bajada (slope) subdivision of the Mojave Desert community. Public lands are north and west. Metropolitan Las Vegas is to the immediate east. Growth rate and demand for residential and commercial development in the area have been high for several years and are expected to continue. Except for a portion that is used as a flood control detention basin, the project area is relatively undisturbed and vegetated by Mojave desert shrub, dominated by creosote (*Larrea tridentata*) and bursage (*Ambrosia dumosa*). A primarily dendritic pattern of ephemeral streams with varying OHWM widths to 18 feet dominates the area with flow generally from the northwest to the southeast. The ephemeral channels are shallow with gravelly and/or sandy beds that carry water only during infrequent rainfall events. Jurisdictional wetlands are not present. Rainfall averages about 4 inches per year.

The area of WOUS within the 6,800-acre Summerlin West property is approximately 32.6 acres. Similarly, the area of WOUS within the 1,175-acre Summerlin South property is approximately 6.25 acres.

ADDITIONAL INFORMATION: The Nevada Division of Environmental Protection (NDEP) will have to certify this project under Section 401 of the Clean Water Act. For more information on this water quality certification, contact Mr. Glen Gentry of NDEP, Bureau of Water Quality Planning, 333 West Nye Lane, Suite 138, Carson City, Nevada 89706-0851, telephone number (775) 687-4670, extension 3097.

The applicant has performed archaeological investigations of the land involved in this permit application. The proposed action will not affect any listed sites on the National Register of Historic Places (NRHP). The proposed action may affect properties that the applicant has reason to believe may be eligible to the NRHP. A number of historic and prehistoric finds, considered ineligible for listing were also discovered. The Sacramento District will be coordinating with the Nevada Historic Preservation Officer and Indian Country representatives in accordance with Section 106 of the National Historic Preservation Act and our implementing regulation. Presently unknown cultural resources may be located in the permit area.

On August 21, 2003, the U.S. Fish and Wildlife Service (USFWS) issued a biological opinion covering the entire Summerlin West portion of the applicant's lands in response to permit application number 200250462 for village 23A in Summerlin West. The USFWS concluded that all of the village

developments in Summerlin West are covered by the existing Multiple Species Habitat Conservation Plan for the incidental take of the Mojave desert tortoise (*Gopherus agassizii*) within Clark County. The Sacramento District will re-initiate consultation under Section 7 of the Endangered Species Act with the USFWS on villages 16 and 17 of Summerlin South development for an amendment to the existing biological opinion.

Interested parties are invited to submit written comments to the Sacramento District on or before **November 17, 2003**. Personal information in comment letters is subject to release to the public through the Freedom of Information Act. Any person may request, in writing, within the comment period specified in this notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

If additional information is required, please contact the applicant's agent listed on the first page of this public notice, or Grady L. McNure, St. George Regulatory Office, 321 North Mall Drive, Suite L-101, St. George, Utah 84790-7310, telephone 435-986-3979. Mr. McNure's e-mail address is Grady.McNure@usace.army.mil. Please provide a copy of your written comments on this permit application to Mr. McNure at the St. George Regulatory Office address on or before **November 17, 2003**.

Mark W. Connelly
Lieutenant Colonel,
Corps of Engineers
Acting District Engineer

Enclosures: Table & Drawings